

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-20652-10

vs.

HON. GEORGE CARAM STEEH

DEVON PATTERSON,

Defendant.

/

ORDER DENYING DEFENDANT'S MOTION TO
DISMISS COUNT ONE RICO CONSPIRACY [DOC. 608]

The matter is presently before the court on defendant Devon Patterson's motion to dismiss Count One Rico Conspiracy. The motion was joined in by defendants Graham, Arnold, Rogers and Brown. Defendant's motion is premised on the fact that he is a marginal player in the charged conspiracy, named in the two counts in which all of the defendants are named. Each of the allegations against him involve the passive act of being present where drugs, currency or a firearm were present. Defendant further argues that there are no surveillance or police reports linking him to the SMB organization, while the discovery does link various co-defendants to the SMB organization through their involvement in

murders and other criminal activities. The court heard oral argument on the motion on September 7, 2017.

A marginal defendant with minimal contacts can be found guilty of RICO conspiracy, and the court finds that the elements have been identified sufficiently in the charging document in this case. Furthermore, the Jencks materials yet to be provided will potentially impact the court's ruling. For these reasons, as well as those stated on the record, defendant's motion to dismiss Count One is DENIED.

IT IS SO ORDERED.

Dated: October 3, 2017

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on October 3, 2017, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk